

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HON LAU,

Petitioner,

VS.

K. HARRINGTON, Warden,

Respondents.

No. C 10-5690 JSW (PR)

ORDER OF TRANSFER

(Docket Nos. 2 & 4)

Petitioner is a state prisoner currently incarcerated at Kern Valley State Prison, located in Delano, California. He has filed a habeas petition under 28 U.S.C. § 2254 challenging his conviction obtained in Los Angeles County Superior Court.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

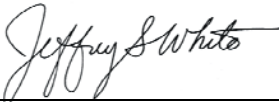
As petitioner was convicted in Los Angeles County Superior Court, IT IS ORDERED in the interest of justice, and pursuant to 28 U.S.C. § 1406(a), that this action be TRANSFERRED to the United States District Court for the Central District of

1 California. In light of the transfer, this Court will not resolve Petitioner's pending
2 motions for leave to proceed in forma pauperis (docket nos. 2 & 4).

3 The Clerk of the Court shall transfer this matter forthwith.

4 IT IS SO ORDERED.

5 DATED: February 8, 2011


6 JEFFREY S. WHITE
7 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

HON C. LAU,

Plaintiff,

v.

K.HARRINGTON et al,

Defendant.

Case Number: CV10-05690 JSW


CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 8, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Hon C. Lau V-15557
KVSP
P.O. Box 5104
Delano, CA 93216

Dated: February 8, 2011


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk